

-7-

REMARKS

The Examiner has objected to the drawings. Such objections have been overcome with the amendments made to the attached proposed drawings.

The Examiner has rejected Claims 1, 7 and 13 under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Specifically, the Examiner alleges that the phrase "first and second information" renders the claim vague and indefinite because it is unclear whether the limitation(s) following the phrase are part of the claimed invention. Such rejection has been avoided in view of the clarifying amendments made hereinabove.

The Examiner has rejected Claims 1-17 under 35 U.S.C. 102(e) as being anticipated by Huang et al. (U.S. Patent No.: 5,953,707). Applicant respectfully disagrees with such rejection.

Specifically, the Examiner has relied upon col. 96, line 65 through col. 98, line 64 to make a prior art showing of applicant's claimed "first information regarding each of the minimum set of attributes from a receiving business" and "receiving second information regarding proposed products or services in terms of the minimum set of attributes, wherein the second information is received from a supplying business." See all of the independent claims.

After careful review of the foregoing excerpt, however, applicant has not found a specific disclosure, teaching or suggestion of applicant's claimed "first information regarding each of the minimum set of attributes from a receiving business" and "receiving second information regarding proposed products or services in terms of the minimum set of attributes, wherein the second information is received from a supplying business" (emphasis added). Simply nowhere in such excerpt is there any sort of specific information received from such specific sources.

The Examiner is reminded that a claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described in a single prior art reference. *Verdegaal Bros. v. Union Oil Co. Of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). Moreover, the identical invention must be shown in as complete detail as contained in

-8-

the claim. *Richardson v. Suzuki Motor Co.* 868 F.2d 1226, 1236, 9USPQ2d 1913, 1920 (Fed. Cir. 1989). The elements must be arranged as required by the claim.

This criterion has simply not been met by the Huang reference, since there is not even a suggestion of receiving, from a receiving business, a minimum set of attributes and receiving, from a supplying business, proposed products or services information in terms of the minimum set of attributes.

Nevertheless, in the spirit of expediting the prosecution of the present application, applicant has amended each of the independent claims to include the subject matter of Claim 6 et al. The Examiner has rejected Claims 6 and 12 under 35 U.S.C. 103(a) as being unpatentable over Huang in view of McAndrew et al. (U.S. Patent No.: 5,517,405).

Specifically, the Examiner relies on Figs. 1-2; the Abstract; and col. 5, line 50 – col. 6, line 29 from McAndrew to make a prior art showing of applicant's claimed:

“wherein the steps are carried out using a system capable of:

- (i) executing an application capable of performing decision logic;
- (ii) retrieving information from a database in accordance with the decision logic;
- (iii) receiving information from a user in accordance with the decision logic  
utilizing a user interface;
- (iv) processing the information utilizing the decision logic; and
- (v) wherein (i)-(iv) are carried out by a collaborative decision platform capable of accomplishing (ii)-(iv) for different purposes by executing different applications each capable of performing different decision logic.”

Such excerpt from McAndrew, however, merely mentions that “[t]he invention is particularly well suited to the comprehensive management of the health care of individual patients. It is also useful in virtually any other field of endeavor, including the management of industrial processes, design engineering, research and development, education, and any other task in which a problem needs to be solved and one or more available solutions needs to be assessed in order to solve the

-9-

problem.” The mere mention that other uses are possible does not, however, rise to the level of specificity of applicant’s claims in terms of how this is accomplished.

Specifically, only applicant teaches and claims “wherein (i)-(iv) are carried out by a collaborative decision platform capable of accomplishing (ii)-(iv) for different purposes by executing different applications each capable of performing different decision logic” (emphasis added).

To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art and not based on applicant’s disclosure. *In re Vaack*, 947 F.2d 488, 20 USPQ2d 1438 (Fed.Cir.1991). Applicant respectfully asserts that at least the third element of the *prima facie* case of obviousness has not been met, since the references, when combined, fail to even suggest the foregoing feature of the presently claimed invention.

Nevertheless, to further distinguish the presently claimed invention and in the spirit of expediting the prosecution of the present application, applicant now claims:

- “(f) wherein an application interface provides an interface between the application and the collaborative decision platform, where (ii)-(iv) are carried out using universal modules capable of interfacing with different applications adapted for applying the universal modules to different business sectors;
- (g) wherein the collaborative decision platform communicates with the application through a standard interface protocol” (see all the independent claims).

Simply nowhere in the prior art is there any sort of application interface that provides an interface between an application and the collaborative decision platform, so that the various techniques of the present invention are carried out using universal modules, and different applications can apply the universal modules to different business sectors.

-10-

A specific prior art showing of the foregoing limitations or a notice of allowance is respectfully requested.

It is further noted that the Examiner's application of the prior art to the pending dependent claims is replete with deficiencies. Just by way of example, the Examiner has relied on the following excerpt from Huang to make a prior art showing of applicant's claimed "wherein the attributes include price, sales, variable costs, fixed cost, and investment." See Claim 2 et al.

"Equipment Operating Location 92: At the equipment operating location 92, personnel may replace only certain repair items of the module, instead of the whole module. These replacement repair items may come from the stock or from other failed modules. This process encourages consolidation of failed modules at the operating location. In the consolidation process, the broken repair item of a broken module is replaced by a good repair item from another broken module. This process may be motivated by the structure of the repair cost function and the need for quick repair. In some cases, due to the fixed costs of sending individual modules to the repair shop, modules are batched to a certain level, before they are sent to the repair shop for a complex overhaul

Repair Shop 94: The repair shop 94 is responsible for all the major repairs. The type of repair to perform is driven by the level of good modules at the repair location. When good modules are sent from the repair shop to the operating location, the stock level may drop below the target level, thus triggering a repair request to bring the stock level up to the target level. This target level is determined with the objective of maximizing the equipment availability and minimizing the repair costs. Component and capacity requirements corresponding to a repair request should be feasible with respect to component availability and resource capacity levels at the repair shop." (col. 14, lines 36-65)

Such excerpt and the remaining Huang reference, however, fails to even suggestion any sort of attributes that include "price, sales, variable costs, fixed cost, and investment" (emphasis added). A specific prior art showing of each of the foregoing limitations or a notice of allowance is respectfully requested.

Still yet, the Examiner has relied on the following excerpt from Huang to make a prior art showing of applicant's claimed "wherein the attributes further include market share, market size, labor cost, material cost, administrative cost, annual expenses, working capital, planning and equipment." See Claim 3 et al.

-11-

"These would result in inappropriate customer service, loss of market share and last but not least, a continuation of the vicious cycle preventing the manufacturer from establishing reliable forecasts in the first place."  
(col. 49, lines 60-64)

"planned activity schedules for all equipment at the equipment location

Output

Estimations of the raw requirements for each equipment at the equipment location" (col. 57, lines 17-21)

Such excerpt and the remaining Huang reference, however, fails to even suggestion any sort of attributes that include "market share, market size, labor cost, material cost, administrative cost, annual expenses, working capital, planning and equipment" (emphasis added). A specific prior art showing of each of the foregoing limitations or a notice of allowance is respectfully requested.

Applicant further brings to the Examiner's attention the following subject matter added via new dependent claims:

"wherein the business sectors include real estate, medicine, corporate, and financial" (see Claim 18); and

"wherein:

data is collected including (i) policies that form boundary conditions associated with the decision logic, (ii) strategic decisions to be made, (iii) values that are important to the user, (iv) uncertainties that impact the values, and a relationship between (i)-(iv);

a strategy table is created using the data, where each column heading in the strategy table includes a strategic decision from a decision hierarchy with alternatives for a decision arranged therebeneath;

the uncertainties are assessed for analysis purposes;

a tornado diagram and decision sensitivity output displays are generated, where the tornado diagram identifies sources of significant risk in each of a plurality of alternative strategies and the decision sensitivity output displays identify sources of significant value in each of the alternative strategies; and

-12-

the data is collected from decision logic for generating visual displays of a decision hierarchy and an influence diagram, where the user is prompted to approve the visual displays of the decision hierarchy and the influence diagram.” (see Claim 19).

Such features are deemed patentable over the applied references, since the prior art fails to even suggest an application interface that provides an interface between the application and the collaborative decision platform, where the claimed operations (ii)-(iv) are carried out using universal modules capable of interfacing with different applications adapted for applying the universal modules to different business sectors, where “the business sectors include real estate, medicine, corporate, and financial” sectors, as claimed in combination with the remaining claim elements (emphasis added). Note Claim 18.

Still yet, simply nowhere in the prior art references is there any disclosure, teaching or even suggestion of any sort of technique for providing customer-centric collaborative decision making in a business-to-business framework, where data is collected, as claimed. Specifically, the applied references do not even suggest the collection of “(i) policies that form boundary conditions associated with the decision logic, (ii) strategic decisions to be made, (iii) values that are important to the user, (iv) uncertainties that impact the values, and a relationship between (i)-(iv),” as claimed in combination with the remaining claim elements (emphasis added). See Claim 19.

Moreover, there is not even a suggestion of any sort of “a strategy table [that] is created using the data, where each column heading in the strategy table includes a strategic decision from a decision hierarchy with alternatives for a decision arranged therebeneath,” let alone a technique where “the uncertainties are assessed for analysis purposes,” as claimed in combination with the remaining claim elements (emphasis added). See Claim 19.

Still yet, only applicant teaches and claims a technique where “a tornado diagram and decision sensitivity output displays are generated, where the tornado diagram identifies sources of significant risk in each of a plurality of alternative strategies and the decision sensitivity output displays identify sources of significant value in each of the alternative strategies,” as claimed in combination with the remaining claim elements. See Claim 19.

-13-

Finally, with respect to Claim 19, applicant notes that the applied art fails to disclose, teach or even suggest a technique where "the data is collected from decision logic for generating visual displays of a decision hierarchy and an influence diagram, where the user is prompted to approve the visual displays of the decision hierarchy and the influence diagram," as claimed in combination with the remaining claim elements.

Again, a specific prior art showing of each of the foregoing limitations or a notice of allowance is respectfully requested.

Reconsideration is requested.

In the event a telephone conversation would expedite the prosecution of this application, the Examiner may reach the undersigned at (408) 505-5100. For payment of the fees due in connection with the filing of this paper, the Commissioner is authorized to charge such fees to Deposit Account No. 50-1351 (Order No. STRATP002).

Respectfully submitted,  
Silicon Valley IP Group, P.C.

  
Kevin J. Zilka  
Registration No. 41,429

P.O. Box 721120  
San Jose, CA 95172-1120  
408-505-5100